

Serial No. 10/625,852  
Amendment dated June 9, 2004  
In Reply to Office Action of May 3, 2004

R E M A R K S

The Office Action dated May 3, 2004 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration and allowance are respectfully requested.

Examiner Hartmann is thanked for the courtesies extended undersigned counsel during the personal interview of June 7, 2004.

During that personal interview Applicant presented a model of an embodiment of a tool for forming a surface in accordance with the invention. The model corresponded to the claimed invention.

Likewise during the interview Examiner Hartmann and Applicant's representative discussed U.S. Patent No. 5,320,790 to Lowe and the manner in which Lowe differed from the present invention.

Examiner Hartmann indicated that one might consider that the Lowe vent holes 30 could arguably read on Applicant's claimed invention.

It was agreed that Applicant would explicitly claim that Applicant's pressure-relief element was provided not only at the upper surface of Applicant's stamp, but likewise served to define the top portion of Applicant's claimed truncated dome.

First, Applicant's representative argued that Lowe taught away from truncated domes, showing slices of spheres, that had no

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truncated portions at all.

In addition, the Lowe vent holes 30 could not have resulted, even inadvertently, in truncated domes, as Lowe clearly indicated that Lowe wanted no deformation of the Lowe semi-spherical dome-shaped raised element 16.

Examiner Hartmann agreed that the proposed amendment to the independent claim 1 and the new independent claim 19 overcame the 35 U.S.C. 102(b) rejection based on Lowe; however, Examiner Hartmann indicated he would have to consider again the proposed amendments after Applicant submitted claims in a formal Amendment.

Applicant's counsel likewise pointed out that Applicant had, as of yet, been able to find an English language Abstract of JP 50-22072 and JP 50-22073. However, Applicant's counsel respectfully argued that Examiner Hartmann should consider JP 50-22072 and JP 50-22073 and make them of record in the case, as one or both had been cited of record in at least one of Applicant's patents, such as U.S. Patent No. 5,061,172 to Fennessy, Sr., U.S. Pat. No. 5,219,511 to Fennessy, Jr., and U.S. Patent No. Des. 338,817 to Fennessy, Sr.

As to the May 3, 2004 Office Action itself, please note the following.

Applicant elects without traverse the invention of claims 1-8, drawn to a tool.

As to part 5 on page 3 of the Office Action, Applicant's

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representative respectfully submits that Examiner Hartmann should consider JP 50-22072 and JP 50-22073, as the Japanese references were cited in at least of two of Applicant's earlier patents; e.g. U.S. Patent No. Des. 338,817 to Fennessy, Sr. and U.S. Patent No. 5,061,172 to Fennessy, Sr.

It is believed that both official prosecution histories are readily available to the Examiner. If Applicant is able to obtain the official prosecution history from the Patent Office, Applicant will attempt to determine additional information and, perhaps, an English language Abstract, which Applicant has not yet been able to obtain. Regardless, given that JP 50-22072 and JP 50-22073 has been cited in those earlier patents to Applicant, it believes such suffices to provide the necessary relevance so that the Examiner considers them.

As to the rejection of some of the claims under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,320,790 to Lowe, Applicant respectfully submits that such has been overcome by the amendments to independent claim 1 that are consistent with the agreed-upon amendments discussed during the June 7, 2004 personal interview.

For brevity of discussion, the patentability of dependent claims 3-8 will be allowed to rest on their dependence from independent claim 1 at this time.

To provide Applicant with the varied scope of protection to

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which he is entitled, Applicant has submitted new claims 19-25  
which are likewise submitted to be allowable.

In summary, the application is submitted to be in condition  
for allowance with claims 1, 3-8, and 19-25.

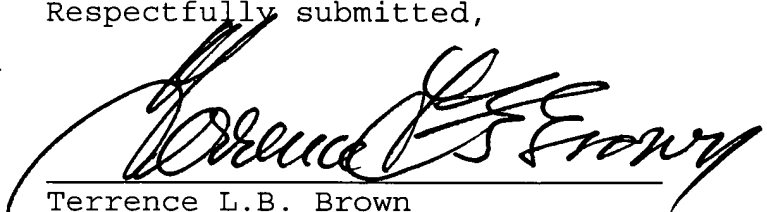
Claims 1 and 19 are in independent form.

It is believed that no fee is due. Should that determination  
be incorrect, however, the Examiner is hereby authorized to charge  
any deficiencies to our Deposit Account No. 19-2105, and notify the  
undersigned in due course.

Should any outstanding formal matters or other issues remain,  
Examiner Hartmann is requested to telephone Terrence Brown at (703)  
684-5600 to resolve such.

Respectfully submitted,

Date: June 9, 2004

  
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